



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,398	02/25/2002	Neng-Hui Yang	13078.22US01	6880
23552	7590	09/12/2006		
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903				
EXAMINER BUEKER, RICHARD R				
ART UNIT			PAPER NUMBER	
1763				

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary	Application No. 10/084,398	Applicant(s) YANG ET AL.	
	Examiner Richard Bueker	Art Unit 1763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-10 and 12-22 is/are pending in the application.
 4a) Of the above claim(s) 17-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10 and 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because applicants have amended their specification to delete the phrase "thermostat device. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance. Applicants have amended their specification to identify element 225 of Fig. 2 as "heater 225", but in Fig. 2 element 225 is still labeled as "thermostat device". Fig. 2 must be labeled in accordance with the terminology of the specification. Since applicants have chosen to change the terminology of their specification they must also change the terminology of Fig. 2 accordingly.

Claims 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 14, in the next to the last line, the phrase "said thermostat device" lacks proper antecedent basis, and should be changed to "said heater". In the last line of claim 14, the phrase "an infrared ray thermostat device" should be changed to "an infrared ray heater".

Claims 14-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claims 14-16, the recited "infrared ray thermostat device" is not properly

Art Unit: 1763

enabled by the specification as filed. It appears that applicants intend the recited "infrared ray" device to be a heater rather than a thermostat. It is noted that in the second paragraph of page 3 of the specification is stated that "(t)he heating source of this thermostat device can be a heating coil or infrared ray". Therefore, the heating coil or the "infrared ray" is intended to be a heater which is used in conjunction with a thermostat, and it is incorrect for the claims to state that the heating coil or the "infrared ray" is a thermostat.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 stand rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sun (6,409,839). Sun (Fig. 6) discloses a vaporizer having a liquid injector that is inherently a "liquid injection module". A first three-way valve connects the liquid injector to a purge gas provider 72 and a

Art Unit: 1763

liquid source 14. the discharge line 68 is an exhausting branch. The particular inert gases listed in claim 2 are a recitation of intended use that does not so limit the present apparatus claims. The particular liquid recited in claim 4 is a recitation of intended use that does not so limit the present apparatus claims.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sun (6,409,839) taken in view of Lei (US 2003/0049933) and Yamamuka (6,110,283). Lei (see Fig. 5, three-way valve 192) and Yamamuka (see Fig. 1, three-way valve at junction of vapor delivery line 17 and vent line 17) each teach the use of a three-way valve on a gas line down-stream of a vaporizer for connecting the gas line with an exhausting branch (i.e. vent line) and a delivery line that is connected to a CVD reaction chamber. Lei (paragraph 43) teaches that the three-way valve 192 allows source vapor to flow to by-pass the CVD chamber during the process of stabilizing the flow prior to introduction to the CVD chamber. Yamamuka (col. 7, lines 31-33) teaches that his three-way valve can be used for purging unnecessary CVD source material through the exhausting branch 52. It would have been obvious to use a three-way valve of the type taught by Lei and Yamamuka in Sun's apparatus because Lei and Yamamuka teach that such a three-way valve can successfully be used for switching a vapor flow back and forth between an exhausting branch and a CVD chamber delivery line.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi (JP 2001-250819) taken in view of Lei (US 2003/0049933) and in further view of Sun (6,409,839) and/or Sturm (6,178,925). Noguchi discloses a liquid injection module (see Fig. 9) for vaporizing a source liquid and delivering the vapor to a CVD

Art Unit: 1763

reactor. Fig. 9 of Noguchi illustrates that the vaporizer includes a liquid injector 41.

Noguchi doesn't specifically say that the liquid is atomized, but Lei (see Figs. 6-8)

describes the same type of vaporizer, and Lei (paragraphs 41 and 42) teaches that the

liquid is atomized in this type of vaporizer, and it is well known in the art, as illustrated

by Lei, that atomization inherently occurs in a vaporizer of the type used by Noguchi.

Noguchi teaches (see Fig. 4, for example) the use of a purge gas line connected to the

source liquid inlet line 46 for purging source liquid from the portion of line 46 that is near

the heated vaporizer, but Noguchi doesn't teach the use of a three-way valve to connect

the purge gas line to the source liquid inlet line 46. Sun (see Fig. 6) and Sturm (see Fig.

1) both also teach the use of a purge gas line for purging source liquid from the source

liquid inlet line of a vaporizer. Furthermore, Sun (see valve 70 of Fig. 6) and Sturm (see

valve 24 of Fig. 1) both also teach that the purge gas line can be successfully

connected to the source liquid inlet line by means of a well-known three-way valve. It is

well known in the art that a three-way valve such as valve 70 of Sun or valve 24 of

Sturm can be used as a more compact replacement for two valves such as valves 33

and 34 of Fig. 4 of Noguchi. It would have been obvious to one skilled in the art to use

a three-way valve to connect the purge gas line to the source liquid inlet line of Noguchi,

in view of the teachings of Sun and Sturm that a three-way valve can successfully be

used for that purpose. Regarding the "exhausting branch" recited in claim 1, it is noted

that Noguchi (see Figs. 1, 6 and 8) also teaches that the vapor delivery line (16 and 17)

for delivering vapor to the CVD reaction chamber 1 is connected to a branch line for

purged liquid expelled from the vaporizer by purge gas. Also, the particular inert gases

Art Unit: 1763

listed in claim 2 are a recitation of intended use that do not so limit the present apparatus claims.

Claims 5, 8, 9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi (JP 2001-250819) taken in view of Lei (US 2003/0049933) and in further view of Sun (6,409,839) and/or Sturm (6,178,925) for the reasons stated above in the rejection of claims 1-4 and taken in further view of Yamamuka (6,110,283). Regarding claim 5, Noguchi (Figs. 1, 6 and 8) provides valves 7 and 8 to switch his vapor flow into the exhausting branch 18, but he doesn't discuss the use of a three-way valve for this purpose. Lei (see Fig. 5, three-way valve 192) and Yamamuka (see Fig. 1, three-way valve at junction of vapor delivery line 17 and vent line 17) each teach the use of a three-way valve on a gas line down-stream of a vaporizer for connecting the gas line with an exhausting branch (i.e. vent line) and a delivery line that is connected to a CVD reaction chamber. Lei (paragraph 43) teaches that the three-way valve 192 allows source vapor to flow to by-pass the CVD chamber during the process of stabilizing the flow prior to introduction to the CVD chamber. Noguchi (paragraph 10 of translation) teaches that his exhausting branch 18 is used for this same purpose of stabilizing initial flow. Yamamuka (col. 7, lines 31-33) teaches that his three-way valve can be used for purging unnecessary CVD source material through the exhausting branch 52. Noguchi (paragraph 53 of the translation) teaches that his exhausting branch and waste tank 10 are used for the same purpose. It would have been obvious to use a three-way valve of the type taught by Lei and Yamamuka to connect Noguchi's exhausting branch 18 because Lei and Yamamuka teach that such a three-way valve

Art Unit: 1763

can successfully be used for switching a vapor flow back and forth between an exhausting branch and a CVD chamber delivery line, wherein the exhausting branch is used for the same purposes as in Noguchi.

Regarding the limitation of a heating means located between the liquid injector and carrier gas provider as recited in claims 8-16, it is noted that the heater 44 of Noguchi's Fig. 9 vaporizer, and also the heater of Fig. 8 of Lei (see also paragraphs 52 and 53 of Lei) are positioned between the liquid injector and a carrier gas provider.

Claims 10 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi taken in view of Lei, and in view of Sun and/or Sturm (6,178,925), and taken in further view of Yamamuka (6,110,283) for the reasons stated in the rejection of claims 5, 8, 9 and 12-13 above, and taken in further view of Ewing (5,553,188).

Regarding the recited heating coil of claims 10 and 14-16, Ewing (Fig. 4, col. 4, lines 41-44 and col. 7, lines 7-10) teaches the use of a heater in the form of a coil to heat a vaporizer. It would have been prima facie obvious to provide the heater 44 of Noguchi's Fig. 9 vaporizer in the form of a coil because Ewing makes clear that a heater in the shape of a coil can successfully be used to heat a vaporizer. It is noted also that the heater 44 of Fig. 9 of Noguchi is located between the liquid injector 41 and the carrier gas provider 38. Furthermore, the heater 44 of Noguchi heats the entire injector valve body, and therefore it inherently heats carrier gas that flows through the carrier gas passageways 38, 43 and 40 that are located in the valve body.

Claims 8-10 and 12-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi taken in view of Lei, Sun and/or Sturm (6,178,925), and

Art Unit: 1763

taken in further view of Yamamuka (6,110,283) for the reasons stated in the rejection of claims 1-5, 8, 9 and 12-13 above, and taken in further view of Nagashima (5,419,924), Chen (6,267,820) and Kanishak (6,086,711). If for argument's sake the heaters of Noguchi and Lei did not read on the heater recited in claims 8-16, such would be obvious in view of Nagashima. Nagashima (see Fig 1, gas heater 18, and also col. 3, lines 26-28) teaches that it is desirable to preheat the carrier gas prior to introducing it into a vaporizer. It is noted that Nagashima's vaporizer (see Fig. 4) is the same type of vaporizer as used by Noguchi (see Fig. 9) and Lei (see Figs. 6-8). Sturm (see Fig. 1, element 56) also teaches the use of a carrier gas preheater. It would have been obvious to use a carrier gas preheater of the type taught by Nagashima or Sturm with the vaporizer of Noguchi because Nagashima and Sturm teach that preheated carrier gas can successfully be use to vaporize a source gas. Chen also discloses a vaporizer of the type used by Noguchi, Lei and Nagashima. Chen is cited for his teaching (col. 1, lines 39-44) that this type of liquid injector is susceptible to clogging by reaction with moisture and other contaminants, and thus Chen provides an additional reason why it would be obvious to provide a purge gas to remove liquid from such a liquid injector. Regarding the recited heater coil of claims 10-11 and 14-16, Kanishak (see Fig. 1, element 18, and col. 3, lines 24-27) teaches the use of a heating coil to preheat carrier gas that is used in a vaporizer. It would have been obvious to one skilled in the art to use a heating coil as the carrier gas heater of Nagashima because Kanishak teaches that a heating coil can successfully be use to heat carrier gas.

In the paragraph bridging pages 9 and 10 of their most recent response, applicants have argued that Sun fails to disclose “a first three-way valve located between said liquid source, said purging gas provider, and said liquid injector to control flow between said liquid source, said purging gas provider, and said liquid injector”.

First, applicants should note that the rejection of claims 1-4 over Sun refers to Fig. 6 of Sun. Applicants’ arguments, however, refer to Fig. 7 of Sun. See page 10, line 1 of applicants’ response. Fig. 6 of Sun is where applicants should direct their arguments.

Also, applicants’ arguments refer to “solvent 72” of Sun, and it is unclear what applicants are referring to. Sun’s Fig. 7 includes a solvent tank labeled 78, and Sun’s Fig. 6 includes a compressed gas tank labeled 72, none of Sun’s Figs. include an element labeled “solvent 72”. Clarification is respectfully requested.

Sun discusses Fig. 6 at col. 6, lines 30-39. In Sun’s Fig. 6, valve 70 is “a first three-way valve” as recited in applicants’ claim 1, the reagent liquid tank 14 is a “liquid source”, the compressed gas tank 72 is a “purging gas provider”, atomizer section 50 (see the paragraph bridging cols. 5 and 6 of Sun) is a liquid injector configured to atomize liquid from the liquid source 14, and outlet tube 68 is an exhausting branch disposed adjacent said liquid injector. Sun teaches (see col. 6, lines 30-39) that when a vaporization process is stopped, the compressed gas from tank 72 is used to blow out (i.e. purge) the liquid which remains in passageway 56 (i.e. redundant liquid), which is then exhausted from exhausting branch 68, in the manner recited in claim 1. It is noted also that passageway 56 of Sun is an integral part of the liquid injector 50. Therefore, Sun’s Fig. 6 apparatus does include “a first three-way valve located between said liquid

Art Unit: 1763

source, said purging gas provider, and said liquid injector to control flow between said liquid source, said purging gas provider, and said liquid injector” as recited in claim 1, and applicants’ arguments to the contrary are not persuasive.

It is noted also that in Fig. 6 of Sun, the compressed gas labeled 12 is “a carrier gas provider to provide a carrier gas that carries said atomized liquid” as recited in claim 3.

Applicants have argued that “Sun and Sturm disclose three way valves, but not a three way valve that controls flow to a liquid injector”. As noted above, sun does disclose such a three-way valve. Also, Sturm (see valve 24 of Fig. 1) discloses such a three-way valve.

Applicants have also argued that Noguchi, Lei, Sun, Sturm, Yamamuka and Ewing fail to disclose or suggest “a liquid injector configured to atomize and inject a liquid from a source of liquid”. It is noted, however, that all of these references disclose such a liquid injector.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

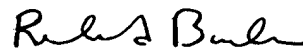
Art Unit: 1763

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Bueker whose telephone number is (571) 272-1431. The examiner can normally be reached on 9 AM - 5:30 PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on (571) 272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard Bueker
Primary Examiner
Art Unit 1763